

347—218.2(91D) Administrative. “Employee employed in a bona fide . . . administrative capacity” means any employee:

218.2(1) Whose primary duty consists of either:

a. The performance of office or nonmanual work directly related to management policies or general business operations of the employer or the employer’s customers, or

b. The performance of functions in the administration of a school system, or educational establishment or institution, or of a department or subdivision thereof, in work directly related to the academic instruction or training carried on therein; and

218.2(2) Who customarily and regularly exercises discretion and independent judgment; and

218.2(3) *a.* Who regularly and directly assists a proprietor, or an employee employed in a bona fide executive or administrative capacity (as those terms are defined in this chapter), or

b. Who performs under only general supervision work along specialized or technical lines requiring special training, experience, or knowledge, or

c. Who executes under only general supervision special assignments and tasks; and

218.2(4) Who does not devote more than 20 percent, or, in the case of an employee of a retail or service establishment who does not devote as much as 40 percent of the employee hours worked in the workweek to activities which are not directly and closely related to the performance of the work described in 218.2(1) to 218.2(3); and

218.2(5) *a.* Who is compensated for services on a salary or fee basis at a rate of not less than \$310 per week, exclusive of board, lodging, or other facilities, or

b. Who, in the case of academic administrative personnel, is compensated for services as required by 218.2(5) “*a*” or on a salary basis which is at least equal to the entrance salary for teachers in the school system, educational establishment, or institution by which employed, provided that an employee who is compensated on a salary or fee basis at a rate of not less than \$500 per week, exclusive of board, lodging, or other facilities, and whose primary duty consists of the performance of work described in 218.2(1) of this rule, which includes work requiring the exercise of discretion and independent judgment, shall be deemed to meet all the requirements of this rule.

SOURCE: 29 CFR 541.2.